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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,326	04/16/1999	STEPHEN M. BLANDING	1650	4722

7590 10/21/2004

Law Office of Albert S. Michalik, PLLC  
704-228TH AVENUE NE  
SUITE 193  
Sammamish, WA 98074

EXAMINER
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KENDALL, CHUCK O

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 10/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/293,326	BLANDING ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Chuck Kendall	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 50-98 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 50-98 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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*Response to Amendment*

1. This action is in response to the application filed 07/02/94.
2. Claims 1 – 49, have been deleted and claims 50 – 98 have been added and are pending.

*Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 50 – 98 are rejected under 35 U.S.C. 102(e) as being anticipated by Delo et al. 6,418,554 B1 and Mishra et al USPN6,389,589 B1 which is being incorporated herein by reference as identified in Delo (Col.6, lines 55 to 65).

Regarding claim 50, Delo anticipates in a network having software implementations deployed therein, a method for determining a set of software implementations to deploy to a client, comprising:

maintaining a plurality of group policies of which the client is a member, each policy specifying at least one of a plurality of software implementations to apply to the client (Delo, FIG. 4, 62, see group policy objects 1 –n);

maintaining precedence information at a network location indicative of precedence relationships between software implementations (Delo, 5: 55 – 65);

determining from the plurality of group policies at least one of the plurality of software implementations to apply to the client (5: 55 – 65);

selecting a software implementation that is specified for deployment to the client as a selected software implementation (Delo, 6: 55 – 65); and

determining from the precedence information whether the selected software implementation has precedence over at least one other software implementation that is also specified for deployment to the client, and if so, setting the selected software implementation for deployment and deselecting the at least one other software implementation (see Misra, 19: 1 – 5, which is incorporated by reference in Delo in 6: 50 – 55, also see MPEP, 2131.01).

Regarding claim 51, the method of claim 50 wherein setting the selected software implementation for deployment comprises setting the selected software implementation for install (Delo, FIG. 4, 84a and 84b).

Regarding claim 52, the method of claim 51 wherein setting the selected software implementation for install comprises including the software implementation in a list of software implementations to install (Delo, FIG. 4, 86).

Regarding claim 53, the method of claim 50 further comprising installing the selected software implementation (Delo, FIG. 10. 1004).

Regarding claim 54, the method of claim 50 further comprising advertising the selected software implementation as available to the user for execution on a computer system prior to actual installation of the software implementation on the computer system (Delo, 6: 60 – 65).

Regarding claim 55, the method of claim 50 wherein deselecting comprises setting the at least one other software implementation for uninstall (Delo, 26: 35 – 37).

Regarding claim 56, the method of claim 50 further comprising uninstalling the at least one other software implementation (Delo, 26: 35 – 37).

Regarding claim 57, the method of claim 50 wherein deselecting comprises removing the at least one other software implementation from the set of software implementations to deploy (Mishra, FIG. 5b, 524).

Regarding claim 58, the method of claim 50 wherein the precedence information indicative of precedence relationships between software implementations is maintained in a class store of the network (Delol, 5: 55 – 65, see priority).

Regarding claim 59, the method of claim 50 wherein the class store is associated with a group policy object provided for the client (Delo, FIG. 2, 70).

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Regarding claim 60, the method of claim 50 wherein the precedence information, indicative of precedence relationships between software implementations is maintained in property values of software implementations (Delol, 5: 55 – 65, also incorporated by reference is 09/134, 805).

Regarding claim 61, the method of claim 50 wherein the precedence information indicative of precedence relationships between software implementations includes a property value indicative of whether to replace or overlay another software implementation (Misra, FIG. 5b, 532).

Regarding claim 62, the method of claim 50 wherein the client is a user, and wherein selecting a software implementation as a selected software implementation automatically occurs as part of a user logon (Delo, 8: 44).

Regarding claim 63, the method of claim 50 wherein the client is a user, and wherein selecting a software implementation as a selected software implementation occurs in response to a user request (Delo, 6: 60 – 67).

Regarding claim 64, the method of claim 50 wherein the client is a machine, and wherein selecting a software implementation as a selected software implementation automatically occurs when the machine connects to the network (Delo, 6: 60 – 67).

Regarding claim 65, the computer-readable medium version of claim 50, see rationale as previously discussed above.

Regarding claim 66, the method version of claim 50, see rationale as previously discussed above.

Regarding claim 67, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises setting the another software implementation for install when the another software implementation has precedence over the at least one software implementation (see Misra, 19: 1 – 5).

Regarding claim 68, the method of claim 67 further comprising installing the another software implementation (Delo, FIG. 14, 1406).

Regarding claim 69, the method of claim 68 wherein the installation is mandatory (Delo, FIG. 14, 1406).

Regarding claim 70, the method of claim 68 wherein the client is a user, and wherein installing the another software implementation is optional for that user (Delo, 6: 65 – 67).

Regarding claim 71, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises removing the at least one software implementation from a list of software implementations to install when the another software implementation has precedence over the at least one software implementation (see Misra, 19: 1 – 5, which is incorporated by reference in Delo in 6: 50 – 55, also see MPEP, 2131.01).

Regarding claim 72, the method of claim 71 further comprising installing the another software implementation, wherein installing the another software implementation overlays the at least one software implementation (Misra, FIG. 5b, 532).

Regarding claim 73, the method of claim 66 wherein determining for at least one software implementation in the request to apply another software implementation to the client comprises setting the at least one software implementation for uninstall when the another software implementation has precedence over the at least one software implementation (Misra, FIG. 5b, 524).

Regarding claim 74, the method of claim 73 further comprising uninstalling the at least one software implementation and installing the another software implementation (Delo, FIG. 14, 1406).

Regarding claim 75, the method of claim 66 further comprising specifying the precedence relationships for the groups of clients (Delo, 5: 55 – 65).

Regarding claim 76, the method of claim 75 wherein specifying the precedence relationships for the groups of clients comprises specifying a pilot group of clients that is small relative to a total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 77, the method of claim 76 wherein specifying the precedence relationships for the groups of clients comprises specifying a rollout group of clients that is relatively larger than the pilot group and smaller than the total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 78, the computer-readable medium version of claim 66, see rationale as previously discussed above.

Regarding claim 79, the computer implemented method version of claim 66, see rationale as previously discussed above.

Regarding claim 80, the method of claim 79 wherein the first software implementation is deployed to the client by installing the first software implementation on a computer system associated with the client (Delo, 5: 55 – 65).

Regarding claim 81, the method of claim 79 wherein the first software implementation is deployed to the client by including the software implementation in a list of software implementations to install on a computer system associated with the client (Delo, FIG. 2, 70).

Regarding claim 82, The method of claim 79 wherein the first software implementation is deployed to the client by advertising the selected software implementation as available to the user for execution on a computer system prior to actual installation of the software implementation on the computer system (Delo, 6: 55 – 65).

Regarding claim 83, the method of claim 79 further comprising uninstalling the second software implementation (Misra, FIG. 5b, 524).

Regarding claim 84, the method of claim 79 further comprising installing the first software implementation and uninstalling the second software implementation (Misra, FIG. 5b, 524).

Regarding claim 85, the method of claim 79 further comprising overlaying the second software implementation while installing the first software implementation (Misra, FIG. 5b, 532).

Regarding claim 86, the method of claim 79 wherein the first data, second data and precedence information is accessed in response to a user login (Delo, et seq.).

Regarding claim 87, the method of claim 79 wherein the first data, second data and precedence information is accessed in response to a user request (Delo, 6: 55 – 65).

Regarding claim 88, the method of claim 79 wherein the first data, second data and precedence information is accessed in response to a machine connecting to a network (Delo, 8: 44 – 46, see login).

Regarding claim 89, the method of claim 79 further comprising specifying the precedence information for a group of clients (Delo, 5: 55 – 65).

Regarding claim 90, the method of claim 89 wherein specifying the precedence information comprises selecting as the group of clients a pilot group that is small relative to a total number of clients of a network (Delo, 5: 55 – 65).

Regarding claim 91, the method of claim 90 wherein specifying the precedence information comprises selecting as the group of clients a rollout group of clients that is relatively larger than the pilot group and relatively smaller than the total number of clients of the network (Delo, 5: 55 – 65).

Regarding claim 92, the computer-readable medium version of claim 79, see rationale as previously discussed above.

Regarding claim 93, the computer implemented method version of claim 79, see rationale as previously discussed above.

Regarding claim 94, the method of claim 93 further comprising advertising the selected software implementation as available to the user for execution on the client prior to actual installation of the software implementation on the client (Delo, 6: 60 65).

Regarding claim 95, the method of claim 93 further comprising installing the selected software implementation on the client (Delo, FIG. 8, 804).

Regarding claim 96, the method of claim 93 further comprising uninstalling the other software implementation from the client (Misra, FIG. 5b, 524).

Regarding claim 97, the computer implemented method version of claim 50, see rationale as previously discussed above.

Regarding claim 98, the computer implemented method version of claim 79, see rationale as previously discussed above.

### *Conclusion*



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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 6,141,686 Jackowski et al.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 703-3086608. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 703-3054552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK.

*Chameli C. Das*  
**CHAMELI C. DAS**  
**PRIMARY EXAMINER**

*10/18/06*